

## REMARKS/ARGUMENTS

In the Office Action mailed April 14, 2008, claims 1 – 3, 5, and 6 were rejected and claim 4 was objected to. In response, Applicants have amended claim 1 and canceled claims 3 and 4. Applicants hereby request reconsideration of the application in view of the amendments and the below-provided remarks.

For reference, the disclosure has been amended to address the informalities noted in the Office action on page 3, item 2. In particular:

- 1) the paragraph starting on page 3, line 11 was amended to recite “lengths” instead of “length”;
- 2) the paragraph starting on page 9, lines 1 was amended to replace the back end parenthesis “)” and front end parenthesis “(” with commas;
- 3) the paragraph starting on page 10, line 20 was amended to eliminate the “t”;
- 4) the paragraph starting on page 10, line 24 was amended to recite “areas” instead of “area;” and
- 5) the paragraph starting on page 11, lines 31 was amended to recite “ladder” instead of “lattice.”

### Allowable Subject Matter

Applicants appreciate the Examiner’s review of and determination that claim 4 recites allowable subject matter. In particular, the Office Action states that claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants have amended claim 1 to include the limitations of claims 3 and 4. Because amended claim 1 includes all of the limitations of claims 1, 3, and 4, Applicants assert that amended claim 1 is in allowable condition.

Note that the objections to claims 1 and 4 were addressed in amended claim 1. In particular, claim 1 was amended as suggested to recite “sections” instead of “section” and to recite “one-and-a-half-times” instead of “one-and-a-half-the.”

### Objections to the Specification

The Office Action also objects to the specification in view of the guidelines set forth in 37 C.F.R. 1.77(b). Applicants note that the suggested section headings and order are not required and, hence, Applicants respectfully decline to amend the specification to include the indicated section headings and the suggested order.

Regarding the Office Action's objection, Applicants respectfully point out that the indicated suggestions in 37 C.F.R. § 1.77(b) are not statutorily required for filing a non-provisional patent application. The section headings are not mandatory, and in fact when Rule 77 was amended in 1996 (61 FR 42790, Aug. 19, 1996), Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, stated in the Official Gazette:

“Section 1.77 is permissive rather than mandatory. ... 1.77 merely expresses the Office's preference for the arrangement of the application elements. The Office may advise an applicant that the application does not comply with the format set forth in 1.77, and suggest this format for the applicant's consideration; however, the Office will not require any application to comply with the format set forth in 1.77.”

In view of the above, Applicants respectfully decline to amend the specification to include the indicated section headings and the suggested order.

## CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the claim amendment and the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

/mark a. wilson/

Date: July 14, 2008

Mark A. Wilson  
Reg. No. 43,994

Wilson & Ham  
PMB: 348  
2530 Berryessa Road  
San Jose, CA 95132  
Phone: (925) 249-1300  
Fax: (925) 249-0111